
OLR Bill Analysis

sSB 461 (File 558, as amended by Senate "A")*

AN ACT CONFERRING CORPORATE POWERS ON CERTAIN MUNICIPAL STORMWATER AUTHORITIES.

SUMMARY:

This bill designates a municipal stormwater authority that meets certain conditions as a municipal quasi-public authority and allows the municipality, by ordinance, to grant it specific powers to carry out its duties.

The bill also subjects charges from any municipal stormwater authority that are more than 30 days overdue to interest at the same rate the municipality's tax collector charges for delinquent property taxes (1.5% per month or part of a month or 18% per year). Under the bill, any unpaid stormwater authority charge is a lien on the property against which it was levied, running from the date it became delinquent. The lien may be continued, recorded, and released like a property tax lien.

*Senate Amendment "A" specifies that delinquent municipal stormwater authority charges bear interest at the same rate charged for delinquent property taxes, rather than the statutory rate for such taxes.

EFFECTIVE DATE: October 1, 2013

MUNICIPAL STORMWATER AUTHORITY POWERS

PA 07-154 (1) required what is now the Department of Energy and Environmental Protection to create a municipal stormwater authority pilot program in up to four municipalities adjoining Long Island Sound and (2) authorized up to \$1 million in grants to the participating towns to reimburse a portion of the planning, engineering, and legal costs associated with creating a stormwater authority and developing a stormwater program (see BACKGROUND). Three municipalities, New Haven, New London, and Norwalk, participated in the program,

but have not yet created stormwater authorities.

The bill designates a stormwater authority created under this pilot program and located in a distressed municipality with a population of 28,000 or less as a “body corporate and politic” (i.e., a quasi-public authority). New London is the only municipality that meets these conditions and thus the only one affected.

The bill allows the ordinance establishing New London’s stormwater authority to grant it the power to:

1. sue and be sued;
2. acquire, hold, and convey any real and personal property;
3. contract;
4. borrow money, including issuing bonds, with municipal legislative approval;
5. (a) recommend, to the legislative body, the imposition of a tax on real property within the authority’s district and (b) use the tax revenue to carry out the authority's powers;
6. deposit and expend funds; and
7. enter property to make surveys, soundings, borings, and examinations to accomplish the authority’s purposes.

BACKGROUND

Stormwater Authorities

By law, stormwater authorities created under the pilot program must:

1. develop and administer a stormwater management program;
2. provide public education and outreach relating to stormwater management activities and establish procedures for public participation;

3. set boundaries for the stormwater authority district; and
4. recommend to the town's legislative body a levy on taxable real property in the stormwater district to permit the authority to plan, lay out, acquire, construct, reconstruct, repair, maintain, supervise, and manage stormwater control systems.

To achieve these purposes, stormwater authorities may levy fees on property owners. In doing so, they may consider (1) the amount of impervious surfaces generating stormwater runoff, (2) land use types that result in higher concentrations of stormwater pollution, and (3) the property's grand list valuation.

Related Bill

sSB 820 (File 813), reported favorably by the Finance, Revenue and Bonding Committee on May 6, 2013, gives municipalities the option of reducing the annual interest rate they charge on delinquent property taxes.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 12 Nay 7 (04/01/2013)

Judiciary Committee

Joint Favorable

Yea 28 Nay 14 (05/01/2013)